

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Commerce and Economic Development, to which was referred Senate Bill No. 9, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 13, line 3, after "3(a)(19)" insert "**or 3(a)(20)**".
- 2           Page 13, between lines 37 and 38, begin a new paragraph and insert:
- 3           "**(l) If a court finds that a person has knowingly violated section**
- 4           **3(a)(20) of this chapter, the attorney general, in an action under**
- 5           **subsection (c), may recover from the person on behalf of the state**
- 6           **a civil penalty of a fine not exceeding one thousand dollars (\$1,000)**
- 7           **per consumer. In determining the amount of the civil penalty in**
- 8           **any action by the attorney general under this subsection, the court**
- 9           **shall consider, among other relevant factors, the frequency and**
- 10           **persistence of noncompliance by the debt collector, the nature of**
- 11           **the noncompliance, and the extent to which the noncompliance was**
- 12           **intentional. A person may not be held liable in any action by the**
- 13           **attorney general for a violation of section 3(a)(20) of this chapter**
- 14           **if the person shows by a preponderance of evidence that the**
- 15           **violation was not intentional and resulted from a bona fide error,**
- 16           **notwithstanding the maintenance of procedures reasonably**
- 17           **adapted to avoid the error."**
- 18           Page 15, delete lines 25 through 28.
- 19           Page 15, line 29, delete "(C)" and insert "**(B)**".
- 20           Page 17, line 12, delete "(b)(6)(C)," and insert "**(b)(6)(B),**".
- 21           Page 18, delete lines 38 through 42.

- 1 Page 19, delete lines 1 through 11.
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 9 as printed January 7, 2011.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 6, Nays 0.

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**Young R Michael** **Chairperson**